

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA ex rel.
CORI RIGSBY and KERRI RIGSBY

RELATORS/COUNTER-DEFENDANTS

v.

CASE NO. 1:06cv433-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY DEFENDANT/COUNTER-PLAINTIFF
and

HAAG ENGINEERING CO.; and ALEXIS KING

DEFENDANTS

COUNTY OF MADISON
STATE OF MISSISSIPPI

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY
(PURSUANT TO 28 U.S.C. § 1746)
OF AMANDA B. BARBOUR**

Amanda B. Barbour, deposes and says:

1. My name is Amanda B. Barbour. I am over twenty-one years of age and of sound mind. I have personal knowledge of and am competent to testify about all of the matters set out in this Unsworn Declaration Under Penalty of Perjury. I am one of the counsel for Defendant/Counter-Plaintiff State Farm Fire and Casualty Company (“State Farm”) in this Action. I am an attorney with Butler, Snow, O’Mara, Stevens & Cannada, PLLC (“Butler Snow”).
2. The following statements are based upon my personal knowledge and/or upon my review of certain business records and associated records and the information they contain. Any documents reviewed consist of reports, records or data compilations, made at or near the time by, or from information transmitted by, persons with knowledge, and are kept in the normal course of Butler Snow’s business. It is a regularly conducted business activity of Butler Snow to keep such business records.

Exhibit A

3. Prior to filing its Unopposed Local Rule 79 Motion for Leave to File Under Seal its Motion (With Memorandum and Exhibits) to Declassify a Portion of Cori Rigsby's Deposition From "Protected Information" Status Under the [406] Consent Protective Order ("Motion"), State Farm (through the undersigned) conferred on the matter with the Rigsbys and Haag (through their counsel).
4. On July 27, 2010, Kerri Rigsby and Cori Rigsby's ("Relators") counsel emailed counsel for State Farm certain designated portions of Relators' depositions listing them as "Protected Information" under the [406] Consent Protective order. *See* Exhibit 1.
5. As required by the [406] Consent Protective Order, State Farm has conferred with Relators in an attempt to resolve the matter informally. In that regard, attached hereto as Collective Exhibit 2, respectively, are true and correct copies of certain email correspondence between myself and counsel for the Relators.
6. Prior to filing its Motion to Declassify, State Farm (through the undersigned) conferred on this matter with the Relators and Haag (through their counsel).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the 28th day of October, 2010.

By: s/Amanda B. Barbour (MSB #99119)
Amanda B. Barbour (MSB #99119)

From: Sugimura, Derek [sugimurad@gotofirm.com]
Sent: Tuesday, July 27, 2010 11:29 PM
To: Amanda Barbour; lcanada@gtbs.com; kplatt@gtbs.com; gholson@gbeolaw.com; wallace@gbeolaw.com; Mike Beers; Jim Robie; Bob Galloway; Jeff Walker; Connie Lubonovic; Barney Robinson; Ben Watson; Majors, Jay (CIV)
Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; Greenfield, Juanita; Maison Heidelberg; Macie Sledge
Subject: U.S. ex rel. Rigsby - Confidentiality Designations

Counsel,

Pursuant to the Consent Protective Order, [406], Relators designate the following portions of the following transcripts as Protected Information:

Deposition of Kerri Rigsby dated June 24, 2010:

- 267:12-268:25
- 278:13-278:23

Deposition of Cori Rigsby dated June 25, 2010:

- 180:6-183:15
- 192:16-213:4
- 216:20-218:10

Sincerely,
Derek Sugimura

 **Gilbert LLP**

Derek Y. Sugimura
sugimurad@gotofirm.com

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Exhibit 1

From: Sugimura, Derek [sugimurad@gotofirm.com]
Sent: Monday, October 25, 2010 1:20 PM
To: Amanda Barbour
Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; mheidelberg@heidelbergharmon.com; Barney Robinson; Greenfield, Juanita; msledge@heidelbergharmon.com
Subject: RE: U.S. ex rel. Rigsby - Confidentiality Designations
Attachments: Good Faith Certificate.pdf; Good Faith Certificate for Motion to Delist.pdf

Amanda,

Attached please find good faith certificates executed on behalf of the Relators.



Derek Y. Sugimura

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From: Amanda Barbour [mailto:Amanda.Barbour@butlersnow.com]

Sent: Tuesday, October 19, 2010 11:10 AM

To: Sugimura, Derek

Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; mheidelberg@heidelbergharmon.com; Barney Robinson; Greenfield, Juanita; msledge@heidelbergharmon.com

Subject: RE: U.S. ex rel. Rigsby - Confidentiality Designations

Derek,

Since we have reached an impasse, I would appreciate you reviewing and signing the attached good faith certificates for our Motion to Declassify which we will need to file under seal. Let me know if you have any questions. Thank you.

Amanda

From: Sugimura, Derek [mailto:sugimurad@gotofirm.com]

Sent: Wednesday, October 13, 2010 10:27 AM

To: Amanda Barbour

Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; mheidelberg@heidelbergharmon.com; Barney Robinson; Greenfield, Juanita; msledge@heidelbergharmon.com

Subject: RE: U.S. ex rel. Rigsby - Confidentiality Designations

Amanda,

We continue to believe that the 197:3-21 excerpt is and should remain confidential.

Derek



Derek Y. Sugimura

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From: Amanda Barbour [mailto:Amanda.Barbour@butlersnow.com]

Sent: Thursday, October 07, 2010 4:26 PM

To: Sugimura, Derek

Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; mheidelberg@heidelbergharmon.com; Barney Robinson; Greenfield, Juanita; msledge@heidelbergharmon.com

Subject: RE: U.S. ex rel. Rigsby - Confidentiality Designations

Derek,

I think we are in agreement now on all of the passages but for 197:3-21 of Cori Rigsby's deposition. We have reviewed it again and we do not feel that this passage constitutes "confidential, trade secret, or proprietary information" under the Consent Protective Order. ([406] at 1.)

In addition, I have attached non-protected excerpts from a previous deposition given by Ms. Rigsby wherein she gives substantial testimony regarding this same subject matter.

After you have a chance to review the attached testimony, please let me know whether or not you agree that the 197:3-21 excerpt from Ms. Rigsby's deposition in our case should be de-listed. Thanks.

Amanda

From: Sugimura, Derek [mailto:sugimurad@gotofirm.com]

Sent: Monday, October 04, 2010 7:28 PM

To: Amanda Barbour

Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; mheidelberg@heidelbergharmon.com; Barney Robinson; Greenfield, Juanita; msledge@heidelbergharmon.com

Subject: RE: U.S. ex rel. Rigsby - Confidentiality Designations

Amanda,

We agree to declassify 212:20-213:4 and 216:20-218:10 of Cori's deposition.

Derek

From: Sugimura, Derek [sugimurad@gotofirm.com]
Sent: Monday, October 04, 2010 3:14 PM
To: Amanda Barbour
Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; mheidelberg@heidelbergharmon.com; Barney Robinson; Greenfield, Juanita; msledge@heidelbergharmon.com
Subject: RE: U.S. ex rel. Rigsby - Confidentiality Designations

Thanks, Amanda. Looking back, I think those pages probably were included, but somehow corrupted, in your earlier email; the PDF I received from you earlier didn't display them, but the metadata suggests there was more than I previously saw. We'll provide you with a response as soon as we hear back from Cori.



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From: Amanda Barbour [mailto:Amanda.Barbour@butlersnow.com]
Sent: Monday, October 04, 2010 3:12 PM
To: Sugimura, Derek
Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; mheidelberg@heidelbergharmon.com; Barney Robinson; Greenfield, Juanita; msledge@heidelbergharmon.com
Subject: RE: U.S. ex rel. Rigsby - Confidentiality Designations

Sorry if those weren't highlighted when we sent them, Derek. Here are the highlighted excerpts of Cori again for you.

Amanda

From: Sugimura, Derek [mailto:sugimurad@gotofirm.com]
Sent: Monday, October 04, 2010 2:09 PM
To: Amanda Barbour
Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; mheidelberg@heidelbergharmon.com; Barney Robinson; Greenfield, Juanita; msledge@heidelbergharmon.com
Subject: Re: U.S. ex rel. Rigsby - Confidentiality Designations

Amanda,

I don't think that was highlighted or included in the PDF we received, but we'll check with Cori as to those designations.



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From: Amanda Barbour <Amanda.Barbour@butlersnow.com>
To: Sugimura, Derek
Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; Maison Heidelberg <mheidelberg@heidelbergharmon.com>; Barney Robinson <Barney.Robinson@butlersnow.com>; Greenfield, Juanita; Macie Sledge <msledge@heidelbergharmon.com>
Sent: Mon Oct 04 15:06:47 2010
Subject: RE: U.S. ex rel. Rigsby - Confidentiality Designations

Thank you for the response, Derek.

What about 212:20-213:4 and 216:20-218:10 of Cori's deposition?

Amanda

From: Sugimura, Derek [mailto:sugimurad@gotofirm.com]
Sent: Wednesday, September 29, 2010 9:33 AM
To: Amanda Barbour
Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; Maison Heidelberg; Barney Robinson; Greenfield, Juanita; Macie Sledge
Subject: RE: U.S. ex rel. Rigsby - Confidentiality Designations

Amanda,

We agree that page 278, lines 11-24 of Kerri Rigsby's deposition need not be designated as "protected information."

Likewise, we agree that 180:6-183:15, 192:16-20, and 201:2-204:14 of Cori Rigsby's deposition need not be designated as protected information.

However, we do not agree to declassify 197:3-21.

Please let me know if you have any questions or would like to discuss this further.

Regards,
Derek



Derek Y. Sugimura
sugimurad@gotofirm.com

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From: Amanda Barbour [mailto:Amanda.Barbour@butlersnow.com]
Sent: Wednesday, September 22, 2010 11:28 AM
To: Sugimura, Derek
Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; Maison Heidelberg; Barney Robinson
Subject: RE: U.S. ex rel. Rigsby - Confidentiality Designations

Derek,

Please find attached, the excerpts from the Rigsbys' depositions that you designated protected pursuant to the Consent Protective Order [406]. I have highlighted portions of the excerpts designated by you that we do not believe to be "confidential, trade secret, or proprietary information". ([406] at 1.)

As to the excerpts designated by you for Kerri Rigsby's deposition, at least one of the excerpts begins with an answer so we have drawn lines on the pages to identify where your designations begin and end in that situation.

Please review the attachments and let me know if you still believe the highlighted portions should be designated protected information under the Consent Protective Order [406] at your earliest convenience.

Thank you for your consideration in this matter. Please let me know if you would like to discuss this further or have any questions.

Amanda

Amanda B. Barbour
Direct: (601) 985-4585

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